

CITY OF LYNN

**Regular City Council Meeting, June 18, 2019
Council President Darren P. Cyr**

Ten Councilors Present (Councilor Walsh absent).

Moment of Silence. Councilor Field asked that the Family of Jean Mathews be remembered. Councilor Hogan asked that the Family of Darrell Lane be remembered.
Pledge of Allegiance.

Motion made by Councilor Starbard and seconded by Councilor Colucci to accepted the Meeting Minutes of June 11, 2019.

Motion carried.

PUBLIC HEARINGS:

Ordered that His Honor, the Mayor, be and hereby is authorized to execute the city's Fiscal Year 2020 Action Plan, including the use of the Department of Housing and Urban Development's Fiscal Year 2019 appropriations for the Community Development Block Grant Program (\$2,478,890), HOME Program (\$810,804) and the Emergency Solutions Grant Program (\$211,680).

The following appeared in Favor:

Donald Walker, Office of Economic and Community Development.

No one spoke in Opposition.

Public Hearing Closed.

Motion made by Councilor Barton and seconded by Councilor Colucci to grant.

Motion carried by the following yea and nay vote:

10 YES 0 NO (Councilor Walsh Absent).

Petition of Erica Sanabria owner of El Tikal Restaurant to operate a restaurant with a Common Victuallar license (47-50 seats) at 70 Commercial Street. Hours of operation will be Monday through Sunday 9am-11pm.

The following appeared in Favor:

Attorney Sam Vitali

No one appeared in Opposition.

Public Hearing Closed.

Motion made by Councilor Hogan and seconded by Councilor Colucci to grant the prayer of the Petitioner.

Motion carried by the following yea and nay vote:

10 YES 0 NO (Councilor Walsh absent).

Petition of Jeffrey C. Gaudet, 39 Phillips Rd Nahant, owner of Tailor Made Dog Care LLC to operate an overnight boarding facility for more than 4 dogs at 71 Linden Street. Hours of operation: 24 hours, 7 days per week.

The following appeared in Favor:

Jeffrey Gaudet, Owner

Tom Bessa, Lynn

No one appeared in Opposition.

Public Hearing Closed.

Motion made by Councilor Hogan and seconded by Councilor Colucci to grant the prayer of the Petitioner.

Motion carried by the following yea and nay vote:

10 YES 0 NO (Councilor Walsh absent).

Petition of Roxana Villanueva, 37 Chaucer St, Boston owner of Milan Towing Corporation to operate a towing business with three trucks in a fenced in property at 37 Bennett Street. Hours of operation 24 hours, 7 days per week.

No one appeared in Favor

No one appeared in Opposition

Public Hearing Closed.

Motion made by Councilor Hogan and seconded by Councilor Barton to TABLE.

Motion carried by the following yea and nay vote:

10 YES 0 No (Councilor Walsh absent).

Petition of Victoria Mora, owner of Vicky's Restaurant to change a martial arts studio into a restaurant at 135 Essex Street. Hours of operation Monday – Sunday, 7am – 12:00am.

The following appeared in Favor:

Frances Martinez, NSLBA

Public Hearing Closed

Council President Cyr passed the gavel to Council Vice-President Barton.

Motion made by Councilor Cyr and seconded by Councilor Colucci to grant the prayer of the Petitioner with the following stipulations:

Trash must be picked up every day, and a three-month trial period on hours of 7am – 12am.

Motion carried by the following yea and nay vote:

10 YES 0 NO (Councilor Walsh absent).

Public Hearing on an Act authorizing the City of Lynn to grant an additional Liquor License for the sale of all Alcoholic Beverages not to be drunk on the premises.

The following appeared in Favor:

Sarah Marshall, Owner

Scott Marshall, Nahant

Miss Kelly, Brookline

Ms. ChiChi, 13 Willow Street, Lynn

Rachel Milles, 1 Oxford Street, Lynn

No one appeared in Opposition

Public Hearing Closed.

Motion made by Councilor Chakoutis and seconded by Councilor Barton to grant the prayer of the Petitioner.

Motion carried by the following yea and nay vote:

10 YES 0 NO (Councilor Walsh absent).

Public Hearing on the Zone Ordinance amending Table of Dimensional regulations in the Washington Street district.

Motion made by Councilor Lozzi and seconded by Councilor Hogan to TABLE.

Motion carried by the following yea and nay vote:

10 YES 0 NO (Councilor Walsh absent).

PUBLIC HEARINGS TO BE SET DOWN:

-Petition of National Grid to install a JO pole on Barrett Court and install one wooden pole, downguy, anchor and a pole to a pole guy in front of 17 Barrett Court. ***(Hogan)***

-Petition of National Grid to begin on River St to install conduit to sweep up pole 28 for primary 3PH riser to feed the new apartment building at 6 Needham's Landing Road. ***(Hogan)***

-Petition of National Grid to install 1 JO pole on River St and a pole to be used as primary 3PH riser to feed new apartment building at 6 Needham's Landing Road. ***(Hogan)***

-Petition of National Grid to begin on Commercial St installing 6 new manholes and 2700 feet conduits and trenching to Circle Ave, Carolyn St, Day St and Harding St. Conduits will continue north crossing the Lynnway towards the proposed new 19th St – Lynnway Associates. ***(Hogan)***

Motion made by Councilor Barton and seconded by Councilor Colucci to set down for Public Hearings.

Motion carried.

COMMITTEE REPORTS:

Report of the June 18, 2019 Committee on Utilities recommending the following to be accepted:

PUBLIC HEARINGS:

Petition of National Grid for a grant of location at 108 Nahant St to provide requested electric service upgrade. **(Colucci) - Granted**

Petition of Crown Castle NG East LLC for Administrative Review of Eligible Facilities Requests to Modify Transmission Equipment at Existing Base Stations within the Public Rights of Way at the following locations in Lynn, MA:

227 Lynnfield St	(Lozzi)
32 Erie St	(Cyr)
15-19 Garland St	(Cyr)
16 Pierce Rd	(Cyr)
Chancery Lane	(Colucci)
35 Grosvenor Park	(Colucci)
16 Hanover St	(Chakoutis)
201 Linwood St	(Chakoutis)
Tapley St	(Chakoutis/Hogan)
34-38 Bonavesta St	(Walsh)
147 Fairmount St	(Walsh)

Motion made by Council President Cyr and seconded by Councilor Colucci to grant all eleven petitions with the stipulations that Crown Castle NG East LLC come back showing those locations are the right locations, and give us the reasons why we can't move them up the street, etc.

Motion carried.

Motion made by Council President Cyr and seconded by Councilor Colucci to remove from the table the Petition of Comcast to install a new manhole and underground conduit to provide service to 14 State Street and to Grant.

Motion carried.

REPORT ACCEPTED.

Report of the June 18, 2019 Committee on Ways and Means recommending the following to be accepted:

Transfer the sum of Three Thousand, One Hundred Ninety Nine Dollars and Eighty Two Cents (\$3,199.82)

From the Account of 9F163-9510 State Elections-Expense \$3,199.82

To the Account of 11604-1000 City Clerk Payroll \$3,199.82

To fund Election personnel. Emergency Preamble

Councilor Cyr attached the following Emergency Preamble:

WHEREAS, A Special Emergency exists involving the peace, health and safety of the people or their property in the City of Lynn.

WHEREAS, An Emergency relative to a Financial Order in the amount of Three Thousand, One Hundred Ninety Nine Dollars and Eighty Two Cents (\$3,199.82)

From the Account of 9F163-9510 State Elections-Expense \$3,199.82

To the Account of 11604-1000 City Clerk Payroll \$3,199.82

To fund Election personnel. Emergency Preamble

THEREFORE BE IT VOTED BY THE LYNN CITY COUNCIL THAT THE FOREGOING CONSTITUTES AN EMERGENCY.

Emergency Preamble was adopted by the following yea and nay vote:

10 YES 0 NO (Councilor Walsh absent)

Emergency Order was then adopted by the following yea and nay vote:

10 YES 0 NO (Councilor Walsh absent)

Ordered that his Honor the Mayor is hereby authorized to execute the Project Funding Agreement with the Massachusetts School Building Association for repairs to the projects at Lynn Vocational Technical Institute.

Councilor Cyr attached the following Emergency Preamble:

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WHEREAS, An Emergency relative to an Order that his Honor the Mayor is hereby authorized to execute the Project Funding Agreement with the Massachusetts School Building Association for repairs to the projects at Lynn Vocational Technical Institute

THEREFORE BE IT VOTED BY THE LYNN CITY COUNCIL THAT THE FOREGOING CONSTITUTES AN EMERGENCY.

Emergency Preamble was adopted by the following yea and nay vote:

10 YES 0 NO (Councilor Walsh absent)

Emergency Order was then adopted by the following yea and nay vote:

10 YES 0 NO (Councilor Walsh absent)

Ordered that the Mayor be authorized to execute all necessary documents, agreements, applications and contracts of securing a PARC Grant in the amount of \$580,000.00. for the construction and design of improvements to the Lynn Commons including refurbishing the rest room, 25 decorative lights, fountain repair and installation of pavers. Further ordered that the City of Lynn shall allocate \$580,000 in Community Development Block Grant funds for Phase III of the Lynn Commons Restoration Project.

A RESOLUTION TO FILE AND ACCEPT GRANTS WITH AND FROM THE COMMONWEALTH OF MASSACHUSETTS, EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS FOR THE PARKLAND ACQUISITIONS AND RENOVATIONS FOR COMMUNITIES PROGRAM FOR IMPROVEMENTS TO THE LYNN COMMON

- Whereas: The Lynn Common is, by and far, a community-wide asset and the preservation and improvements to this facility are a City priority as evidenced in the most recent Open Space and Recreation Plan; and
- Whereas: The origin of Lynn Common is as old as the settlement of the City of Lynn itself, and;
- Whereas: The initial meeting of the Lynn Park Commissioners in the 1880s, contained an order of business to acknowledge the City of Lynn's ownership of Lynn Common for the passive and active recreational use of its citizenry; and
- Whereas: The Lynn Common is dedicated to park and recreation purposes under M.G.L. Chapter 45, Section 3: and
- Whereas: The Lynn Common's ultimate restoration, guided in principle by the Master Plan, will greatly enhance this facility with improved infrastructure, path systems, amenities, universal access, etc.; and
- Whereas: The main focus of the Master Plan is to enhance the available space on the Lynn Common to adequately host major events and activities. This overall cost and fiscal budget constraints prevented the city from proceeding forward with implementation as one project; and
- Whereas: The project was instead viewed as a series of phases, to be implemented over time, by priority as fiscal resources were available,

with the intention of securing grant funding, when and if available, to assist in this effort: and

Whereas: The Executive Office of Energy and Environmental Affairs (EEA) is offering reimbursable grants to cities and towns to support the preservation and restoration of urban parks through the Parkland Acquisitions and Renovations for Communities grant program (301 CMR 5.00); and

Whereas: Phase III of the Lynn Common Restoration Project will cost a total of \$580,000 and the City has allocated \$580,000 in Community Development Block Grant funds for Phase III of the Lynn Common Restoration Project.

NOW THEREFORE, BE IT:

That the Mayor be and is hereby authorized to file and accept grants from the Executive Office of Energy and Environmental Affairs; and

That the Mayor be and is hereby authorized to take such other actions as are necessary to carry out the terms, purposes, and conditions of this grant to be administered by the Office of Economic and Community Development; and That this resolution shall take effect upon passage.

Councilor Cyr attached the following Emergency Preamble:

WHEREAS, A Special Emergency exists involving the peace, health and safety of the people or their property in the City of Lynn.

WHEREAS, An Emergency relative to an Order that the Mayor be authorized to execute all necessary documents, agreements, applications and contracts of securing a PARC Grant in the amount of \$580,000.00. for the construction and design of improvements to the Lynn Commons including refurbishing the rest room, 25 decorative lights, fountain repair and installation of pavers. Further ordered that the City of Lynn shall allocate \$580,000 in Community Development Block Grant funds for Phase III of the Lynn Commons Restoration Project.

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Whereas: The origin of Lynn Common is as old as the settlement of the City of Lynn itself, and;

Whereas: The initial meeting of the Lynn Park Commissioners in the 1880s, contained an order of business to acknowledge the City of Lynn's ownership of Lynn Common for the passive and active recreational use of its citizenry; and

Whereas: The Lynn Common is dedicated to park and recreation purposes under M.G.L. Chapter 45, Section 3: and

Whereas: The Lynn Common's ultimate restoration, guided in principle by the Master Plan, will greatly enhance this facility with improved infrastructure, path systems, amenities, universal access, etc.; and

Whereas: The main focus of the Master Plan is to enhance the available space on the Lynn Common to adequately host major events and activities. This overall cost and fiscal budget constraints prevented the city from proceeding forward with implementation as one project; and

Whereas: The project was instead viewed as a series of phases, to be implemented over time, by priority as fiscal resources were available, with the intention of securing grant funding, when and if available, to assist in this effort: and

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That the Mayor be and is hereby authorized to file and accept grants from the Executive Office of Energy and Environmental Affairs; and

That the Mayor be and is hereby authorized to take such other actions as are necessary to carry out the terms, purposes, and conditions of this grant to be administered by the Office of Economic and Community Development; and That this resolution shall take effect upon passage.

THEREFORE BE IT VOTED BY THE LYNN CITY COUNCIL THAT THE FOREGOING CONSTITUTES AN EMERGENCY.

Emergency Preamble was adopted by the following yea and nay vote:

10 YES 0 NO (Councilor Walsh absent)

Emergency Order was then adopted by the following yea and nay vote:

10 YES 0 NO (Councilor Walsh absent)

REPORT ACCEPTED.

Report of the June 18, 2019 Committee on Licensing recommending the following to be accepted:

TAXI OPERATORS – NEW:

Garcia-Gil, Erika: 87 Franklin St. #3- **Tabled**

Gratini, Carlos: 53 Smith St. (Tabled 6/11-No Show) - **DENIED**

Soto, Angel: 180 Tarmey Ln (Tabled 6/11-No Show) - **DENIED**

Suazo Mejia, Yhuri: 9 Albany St. #2 (Tabled 6/11-No Show) - **DENIED**

LIVERY OPERATORS NEW:

Cisneros, Joscar: 95 Bayview Ave #2 - **Granted**

Cruz, Alexis: 567 Chestnut St. - **DENIED**

Mola, Jonathan: 44 Estes St. - **DENIED**

Mateo, Alexis: 73 Parkland Ave- **DENIED**

Perez, Joshua: 7 Rhodes Ave- **DENIED**

AUTO REPAIR/FLAMMABLE LICENSE – NEW

10 Heath's Court, Unit 11 & 12, American Truck Repair, Barbara Jean

Imbrescia - **Granted**

3 Camden Street, Abdiel's Auto Repair, Abdiel Diaz- **Granted with stipulations:**

M-F 8-5pm; Saturday 8-2pm and CLOSED on Sundays

FLAMMABLE LICENSE –NEW

10 Heath's Court, Unit 11 & 12, Northeast Oil Delivery Inc, Jonathan Hartman- **Tabled**

DOOR TO DOOR SALES- NEW

1548 Dorchester Ave., Boston, MA Unit 201, Royal Marketing Group - **DENIED**

EXTENDED HOUR RENEWALS – PUBLIC HEARING

60 Boston St McDonalds Drive thru 24/7 days - **Tabled**

65 Boston St CVS Pharmacy 24/7 days - **DENIED**

80 Boston St Dunkin Donuts 24/7 days - **Tabled**

108 Boston St Burger King Sun-Wed 6:00am - 1:00 am/ Thurs-Sat 6am-2am - **Tabled**

116 Boston St. Wendys Drive Thru Till 4 am - **Tabled**

122	Boston St	Boston Shell	Gas Station and Kiosk till 1:00 am - Tabled
124	Boston St	Taco Bell	7:00 am – 1:00 am (w/stipulations)- Tabled
124	Broad St	George's Roast	M-Sat 10:30 am-2:00 & Sun 12:00pm -2:00am - Granted
512	Chestnut St	Lynn Mobile	5:00 am-2:00 am 7 days- Tabled
668	Chestnut St	Cumberland Farms	24/7 days - Tabled
120	Liberty	Speedway	24/7 days - Tabled
3	Lynnfield St	7-11	24/7 days - Tabled
364	Lynnway	Dunkin Donuts	24/7 days - Granted
377	Lynnway	Wendys	Drive thru only until 2am - Tabled
525	Lynnway	Gulf	24/7 days - Tabled
535	Lynnway	Lynnway Shell	24/7 days - Tabled
567	Lynnway	McDonalds	5am-12 am – Drive thru 24/7 days - Tabled
16	Market Sq	Lynn House Of RB	10:00am-2:00 am 7 Days Tabled
17	Market Sq	People's Choice	6:00am-1:30 am 7 Days - Tabled
50	Western Ave	7-11	24/7 days Tabled
707	Western Ave	Dominos Pizza	10 am – 3 am 7days- Granted
969	Western Ave	AL Prime Energy	24/ 7 days - Tabled
341	Union St	Dominos Pizza	10:00 am - 3:00 am (w/stipulations)- Granted

AUTO REPAIR/FLAMMABLE LICENSE – RENEWAL

375 Summer St, P & P Tire, Sandra Galindo- **Tabled**

FLAMMABLE LICENSE – RENEWAL

149 Walnut St, Richdale Convenience Store - **Granted**

SIGN LICENSES-RENEWAL

61 Essex St., Bibi's Beauty Salon- **Granted**

161 Essex St., Al Nour Market- **Granted**

411-413 Essex St., Mi Proveincia Market- **Granted**

162 Franklin St., Chapin Express- **Granted**

70 Granite St., ZEA III Realty Trust- **Granted**

112 Market St., Eastern Bank- **Granted**

118 South Common Street, Cibao Market- **Granted**

340 Western Ave., Express Check Out- Khodjyar Corp. - **Granted**

858 Western Ave., Bruno's Bar & Restaurant- **Granted**

1069 Western Ave., Fisher Auto Parts - **Granted**

OTHER BUSINESS

REPORT ACCEPTED.

Report of the June 18, 2019 Committee on Public Property and Parks recommending the following to be accepted:

Discussion with Director of Lynn Cultural Arts District re: Approval for a Public Arts Display at the corner of Mount Vernon and Exchange Street. - **Tabled**

Motion made by Councilor Field and seconded by Councilor Chakoutis ordering that the City of Lynn convey to D. Richard Lemieux and Jean Marie Lemieux of 55 Anchor Road, Lynn, Massachusetts 01904, the parcel of land located at Anchor Road, Lynn, Massachusetts 01904, Shown as Parcel 2 in an Abandonment Plan prepared for the City of Lynn Anchor Road by Reid Land Surveyors, 365 Chatham Street, Lynn, Massachusetts, 01904 dated April 19, 2019, consisting of approximately 1,443 +/- square feet for the consideration of Four Thousand Three Hundred (\$4,300.00) Dollars.

Said Parcel shall be conveyed with the restrictions that no building shall be constructed upon it and said land will be used for landscaping and/or parking purposes only.

Said Parcel shall be merged with the property located at 55 Anchor Road, Lynn, Massachusetts, 01904.

Further Ordered that the Mayor is authorized to execute a Deed and all documents required by the Law Department to effectuate the above reference conveyance.

Motion made by Councilor Colucci and seconded by Councilor Field ordering that the City of Lynn convey to Tyler O. Casey and Christopher D. Sumner of 60 Anchor Road, Lynn, Massachusetts, 01904, the parcel of land located at Anchor Road, Lynn, Massachusetts 01904, Shown as Parcel 1 in an Abandonment Plan prepared for the City of Lynn Anchor Road by Reid Land Surveyors, 365 Chatham Street, Lynn, Massachusetts, 01904, dated April 19, 2019, consisting of approximately 2,407 +/- square feet for the consideration of Four Thousand Four Hundred (\$4,400.00) Dollars.

Said Parcel shall be conveyed with the restrictions that no building shall be constructed upon it and said land will be used for landscaping and/or parking purposes only.

Said Parcel shall be merged with the property located at 60 Anchor Road, Lynn, Massachusetts, 01904.

Further Ordered that the Mayor is authorized to execute a Deed and all documents required by the Law Department to effectuate the above reference conveyance.

Motion made by Councilor Colucci and seconded by Councilor Field ordering that the city-owned property located at 42R Whiting Street, having 3,097 s.f., be awarded to Genevieve Lois Hayes, 42 Whiting Street, Lynn, MA 01902 in the amount of \$4,700.00 with a Bid Deposit of Four Hundred and Seventy Dollars,

**with the restriction for landscaping and/or parking purposes and cannot be built upon by a residential dwelling. Further ordered that the Mayor is hereby authorized to sign any and all documents relative to this sale.
REPORT ACCEPTED.**

Motion made by Councilor Barton and seconded by Councilor Hogan to adjourn.

Notice of this meeting was posted in the City Clerk's Office at least forty-eight (48) hours in advance.

A True Copy Attest:

CITY CLERK